

53. FACTFINDING

53.24: Determination of Need – Refusal to Participate [See also 72.75 and 73.55.]

“The [Hearing] Examiner can find no evidence introduced by the State in defense of the conditions imposed by the Stipulation to limit the fact finder to solely economic issues as opposed to the collateral issues that were discussed in previous bargaining session.” However, the Hearing Examiner denied the Union’s complaint that the State’s bargaining agent failed to follow through on its agreement to enter into fact finding because there were material questions of fact which required hearing. **ULP #11-79**

53.75: Findings of Fact and Recommendations – Binding Effect

“[T]he Union negotiators declared a willingness to abide by any decision which the factfinder would render.... The factfinder issued a report which deemed certain items to be permissive. The Defendant herein subsequently voted to accept the factfinder’s report and a collective bargaining agreement, consistent with the factfinder’s report, was signed by both parties. The unilateral ‘change’ by the employer, even assuming the items are mandatory, was the employer’s stance that they were permissive.... While this Board is not bound by the decision of the factfinder regarding the labels of permissive or mandatory attached to various items sought to be negotiated, the parties are bound to the factfinder’s decision by their own choice.” **ULP #13-83**